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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,141	10/20/2003	Richard J. Gilpatrick	039189-9074	2779
23409	7590	03/28/2006		
MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			EXAMINER SMITH, TIMOTHY SCOTT	
			ART UNIT 3632	PAPER NUMBER

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/689,141	GILPATRICK	
	Examiner Timothy S. Smith	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 1-6-06.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-42 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-42 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

This Office Action represents a Final Office Action for the application titled "FRAME FOR PRESSURIZED FLUID APPARATUS," filed October 20, 2003.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 4, 19, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention subject matter which applicant regards as the invention.

Regarding claim 4, it is not clear if the applicant is attempting to recite the *subcombination* of an integrally formed one-piece frame for an apparatus that supplies a pressurized fluid, or the *combination* of the integrally formed one-piece frame and a power unit having an engine. The preamble of claim 1 states the former (note "for a for an apparatus that supplies a pressurized fluid ..."), but then an apparatus that supplies a pressurized fluid is positively recited in claim 4 ("...the base includes a power unit having an engine"). The applicant must make it clear if the power unit having an engine is intended to be *functionally* or *positively* recited.

Regarding claims 19 and 21, applicant does not adequately define the angles being claimed.

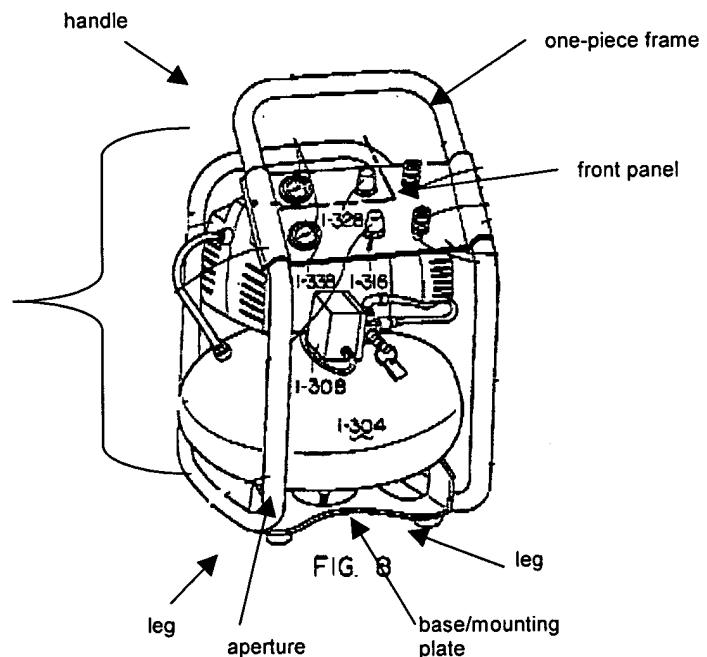
***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-7, 16, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,923,627 to Wood et al.



Wood discloses an integrally formed stackable one-piece frame, as shown above, comprising: a base that is capable of supporting a power unit; at least one leg that supports the base on a surface, an integrally formed handle having a pair of downwardly extending support members, said pair of downwardly extending support members are substantially parallel to the at least one leg and contiguous with the at least one leg, a power unit having an engine, a base having an aperture and a mounting plate, said at least one leg includes a plurality of legs, a pair of downwardly extending support members that form an acute included angle with the base in the YZ-plane.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al.

Wood et al. discloses the frame as applied above but does not teach a frame being formed by injection molding. Nevertheless, claim 2 is rejected under 35 U.S.C. 103(a) because it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the frame by injection molding because the use of injection molding to form structures is well known in the art. Furthermore, the method of making doesn't limit the structure.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al.

Wood et al. discloses the frame as applied above but does not teach a frame having a base formed with at least one integral reinforcing rib. Nevertheless, claim 3 is rejected under 35 U.S.C. 103(a) because it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the frame with a base having at least one integral reinforcing rib wherein doing so would increase the rigidity of the base. Furthermore, the use of a reinforcing rib to increase the strength and stability of a structure is well known in the art.

8. Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al. in view of U.S. Patent No. 4,742,838 to Muiza.

Regarding claims 8 and 23, Wood et al. discloses the frame as applied above, but does not teach a frame wherein the at least one leg includes a support that engages the surface and defines a footprint of the frame, and wherein the handle has an upper end that defines a width such that the width of the upper end is less than the footprint. Nevertheless, Muiza discloses a frame (10) having at least one leg (37) that includes a support (39) that engages the surface and defines a footprint of the frame, and wherein the handle (18) has an upper end that defines a width such that the width of the upper end is less than the footprint. In view of Muiza, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the frame of Wood et al. with at least one leg that includes a support that engages the surface and defines a footprint of the frame, and wherein the handle has an upper end that defines a

width such that the width of the upper end is less than the footprint wherein doing so would improve the stability of the frame.

9. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al. in view of U.S. Patent No. D465, 624 to Kolicheski et al.

Regarding claims 9-11, Wood et al. discloses the frame as applied above, but does not teach a frame having an integral accessory holder formed as one piece with the frame, said accessory holder including at least one aperture to accept a pressure washer wand, and said accessory holder including at least one aperture sized to accept a pressure washer gun. Kolicheski et al. discloses a frame having an integral accessory holder having a plurality of apertures therein and formed as one piece with the frame. In view of Kolicheski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the frame of Wood et al. with an integral accessory holder having a plurality of apertures therein and formed as one piece with the frame wherein doing so would allow accessories to be supported within said apertures.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al.

Regarding claim 12, Wood et al. discloses the frame as applied above, but does not teach a handle having a plurality of integral grip ridges; however it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the handle of Wood et al. to include a plurality of integral grip ridges because it

is well known in the art that ridges on a surface increase the amount of friction between to objects, in this case, one's hand and the handle. Furthermore, one would have been motivated to include a handle that provides stronger gripping means.

11. Claims 13-15, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al.

Wood et al. discloses the frame as applied above, but does not teach a handle that includes a pair of downwardly extending support members that form an acute included angle with the base in the XY-plane, at least one leg that forms an obtuse included angle with the base in the XY-plane, and at least one leg that forms an obtuse included angle with the base in the YZ-plane. Applicant has not disclosed that having the above-mentioned angles between said members solves any stated problem or is for any particular purpose. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Wood et al. to include the above-mentioned angles between said members because such a modification would have been considered a mere design configuration which fails to patentably distinguish over the prior art reference of Wood et al.

12. Claims 20-22 and 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al. in view of U.S. Patent No. D465, 624 to Kolicheski et al.

Regarding claims 20-22, 24-26, and 29-31, Wood et al. discloses the stackable frame, as shown in the figure above, comprising: an integrally formed one-piece frame for an apparatus that supplies a pressurized fluid, the frame comprising: a base that

supports a power unit; a first base support member integrally formed with the base that supports the base on a surface; a second base support member integrally formed with the base that supports the base on the surface; an integrally formed handle; an integrally formed front panel, support members that are substantially parallel to the first and second base support members, said support members contiguous with the first and second base support members, and a handle having a pair of downwardly extending support members that form an acute included angle with the base in the YZ-plane, but does not teach a side panel integrally formed with and extending between the first and second base support members, nor does Wood teach a handle that includes an integrally formed accessory holder having a plurality of apertures sized to receive accessories. Nevertheless, Kolicheski et al. discloses a side panel integrally formed with and extending between a first and second base member, and a handle including an integrally formed accessory holder having a plurality of a plurality of apertures. In view of Kolicheski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the frame of Wood et al. with a side panel integrally formed with and extending between the first and second base members, and a handle including an integrally formed accessory holder having a plurality of a plurality of apertures because one would have been motivated to create a more stable, stronger, sturdier frame, and one would have been motivated to provide a frame that could accommodate accessories that could be supported within said apertures. Furthermore, it is well known in the art that the addition of a member between two spaced apart support members increases the overall stability and strength of the whole structure.

13. Regarding claim 27, please refer to the reasoning provided in rejected claim 12 above.

14. Regarding claims 28, and 32-33, Wood et al. discloses the frame as applied above, but does not teach a handle having a pair of downwardly extending support members that form an acute included angle with the base in the XY-plane, first and second base support members forming an obtuse included angle with the base in the XY-plane, and first and second base support members forming an obtuse included angle with the base in the YZ-plane. Applicant has not disclosed that having the above-mentioned angles between said members solves any stated problem or is for any particular purpose. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Wood et al. to include the above-mentioned angles between said members because such a modification would have been considered a mere design configuration which fails to patentably distinguish over the prior art reference of Wood et al.

15. Claims 34-35, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al.

Wood et al. discloses the stackable frame, as shown in the figure above, comprising: an integrally formed one-piece frame for an apparatus that supplies a pressurized fluid, the frame comprising: a base that supports a power unit; at least one base support member that supports the base on a surface; said one base support member including first, second, third, and fourth base support members, and a handle including an upper end, a first support member defining a first axis, a second support

member defining a second axis, said first and second support members each form an acute included angle with the base in the YZ-plane, said first and second support members are substantially parallel to the at least one base support member, said first and second support members are contiguous with the at least one base support member, but does not teach the first and second axes each forming an acute included angle with the upper end in the XY-plane, nor does it teach at least one base support member forms an obtuse included angle with the base in the XY-plane, and at least one base support member forms an obtuse included angle with the base in the YZ-plane. Nevertheless, applicant has not disclosed that having the above-mentioned angles between said members solves any stated problem or is for any particular purpose. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Wood et al. to include the above-mentioned angles between said members because such a modification would have been considered a mere design configuration which fails to patentably distinguish over the prior art reference of Wood et al.

16. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,923,627 to Wood et al. in view of U.S. Patent No. D465, 624 to Kolicheski et al.

Wood et al. discloses the frame as applied above but does not teach a first panel extending between a first and fourth base support members, and a second side panel extending between a second and third base support member, nor does Wood teach a handle having an integrally formed accessory holder. Nevertheless, Kolicheski et al.

discloses a side panel integrally formed with and extending between a first and second base member, and a handle having an integrally formed accessory holder. In view of Kolicheski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the frame of Wood et al. with a first panel extending between a first and fourth base support members, and a second side panel extending between a second and third base support member, and a handle having an integrally formed accessory holder because one would have been motivated to create a more stable, stronger, sturdier frame, and a frame that can accommodate accessories.

***Response to Amendment***

Applicant's amendments to the specification have been considered and accepted.

***Response to Arguments***

Applicant's arguments filed January 6, 2006 have been fully considered but they are not persuasive.

Regarding Applicant's amendment to claim 4, Applicant has not amended the claim in such a way to overcome the rejection made under 112, second paragraph. The applicant must make it clear if the power unit having an engine is intended to be *functionally* or *positively* recited.

Regarding Applicant's argument that the structural features in Wood are not integrally formed with the frame, the structural features are integrally formed with the frame as it is all one piece.

Regarding Applicant's arguments concerning claim 8, both of the references used in the rejection made under 35 U.S.C. 103, although the references are non-analogous, the references are related to one another in that they both fall under the field of supports, and they both serve the purpose of supporting the weight of an object. Accordingly, Applicant's argument that the references are non-analogous is irrelevant because the Muiza reference is reasonably pertinent to the particular problem with which the inventor was concerned, mainly, supporting the weight of an object in an upright position.

Regarding Applicant's arguments concerning claims 13, 16-19, 22, 28, 32, and 34, Applicant has not disclosed that having the above-mentioned angles between said members solves any stated problem or is for any particular purpose. Furthermore, Wood does disclose that claimed angles in Applicant's application as can be seen in figure 1.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy S. Smith whose telephone number is 703-272-8296. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

TS

Timothy S. Smith  
Patent Examiner  
Art Unit 3632  
March 20, 2006

 3/20/06  
ROBERT P. OLSZEWSKI  
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